

**MONDAY, APRIL 12, 2004**  
**EIGHTIETH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Wilder.

**PRAYER**

The proceedings were opened with prayer by Reverend Tim Shelton of Lakeview Baptist Church in Harriman, Tennessee, a guest of Senator Kilby.

**PLEDGE OF ALLEGIANCE**

Senator McLeary led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 32

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

**COMMUNICATION**

**MEMORANDUM**

TO: Honorable John S. Wilder  
Speaker of the Senate

FROM: James F. Kyle

DATE: April 12, 2004

RE: Session Attendance

Because of personal and business reasons, I am unable to attend tonight's Session and would appreciate being excused. Thank you.

APPROVED: Lieutenant Governor  
John S. Wilder

**HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

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**House Bill No. 2276** -- Solid Waste Disposal -- Exempts sinkhole disposal of solid waste from exemption on disposal on private land; and imposes \$1,000-\$5,000 penalty for sinkhole disposal of solid waste. Amends TCA Title 68, Chapter 211.

**House Bill No. 2340** -- Consumer Protection -- Enacts the "Consumer Right to Know Act".

**House Bill No. 2354** -- Civil Procedure -- Deems counterclaimant for contractual attorney fees to be prevailing party if plaintiff voluntarily dismisses an action while such counterclaim is pending and does not timely recommence such action. Amends TCA Title 20, Chapter 6, Part 3.

**House Bill No. 2366** -- Courts, General Sessions -- Authorizes Shelby County to designate one division of its general sessions court as the mental health court. Amends TCA Title 9; Title 16; Title 33 and Title 37.

**House Bill No. 2547** -- Registers of Deeds -- Revises procedures for filing, registering and recording documents in office of county register. Amends TCA Title 13 and Title 66.

**House Bill No. 2553** -- Taxes, Sales -- Provides for distribution to Campbell County of certain sales taxes collected in a portion of that county. Amends TCA Title 67, Chapter 6.

**House Bill No. 2600** -- Industrial Development -- Authorizes industrial development corporations to prepare economic impact plans for dedicated areas, upon approval of governing municipality, and permits future additional tax revenues from such areas, above that amount regularly levied by all entities presently taxing the area, to be used for industrial development corporation purposes. Amends TCA Title 7, Chapter 53, Part 3.

**House Bill No. 2614** -- Child Custody and Support -- Directs the administrative office of the courts to develop and implement a standardized form for all courts statewide to use in developing and approving parenting plans. Amends TCA Title 36, Chapter 6, Part 4.

**House Bill No. 2683** -- Veterans -- Establishes certain parameters for qualifications of veterans' service officers, appropriate compensation for veterans' service officers, and the establishment of joint veterans' service offices by more than one political subdivision. Amends TCA Title 58, Chapter 3.

**House Bill No. 2880** -- Naming and Designating -- Names classroom building at Tennessee Fire Service and Codes Enforcement Academy in Bedford County in honor of Senator Andy Womack.

**House Bill No. 2949** -- Hospitals and Health Care Facilities -- Requires long-term care facilities to maintain adequate liability insurance and directs the board for licensing health care facilities to set requirements for the insurance by rule. Amends TCA Title 68.

**House Bill No. 3083** -- Medical Occupations -- Gives registered nurse employed by Program for All-inclusive Care for the Elderly (PACE) same authority to sign death certificate of patient of PACE who dies as registered nurse has under present law for patient of licensed home care organization who dies. Amends TCA Section 68-3-511.

**House Bill No. 3229** -- Animals and Animal Cruelty -- Clarifies state and local administrative duties and responsibilities under the Tennessee Anti-Rabies Law. Amends TCA Title 68, Chapter 8, Part 1.

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**House Bill No. 3399** -- Public Funds and Financing -- Requires that annual adjustments to the base tax revenues of the tourism development zone be made by the Department of Revenue within 60 days of the end of each fiscal year instead of within 90 days of the end of each fiscal year. Amends TCA Title 7, Chapter 88, Part 1.

**House Bill No. 3406** -- Telecommunications -- Enacts the "Assistive Telecommunications Device Distribution Program Renovation Act". Amends TCA Title 65, Chapter 21.

**House Bill No. 3415** -- Hospitals and Health Care Facilities -- Requires nursing homes that are not fully sprinklered to install smoke alarms or detectors in every patient room within 90 days of the effective date of the act, and to submit a plan within six months or 11 months, depending on the physical layout of the facility, for fully sprinklering the facility; directs that failure to submit a sprinkler plan is grounds for discipline or licensure action. Amends TCA Title 68, Chapter 11, Part 2.

**House Bill No. 3459** -- Housing -- Authorizes the community development agency of Montgomery County to serve as the housing authority. Amends TCA Title 13, Chapter 20.

**House Bill No. 3488** -- Medical Occupations -- Revises time frame for completion of United States medical licensing examination for applicant to be licensed to practice medicine or surgery in this state.

**House Bill No. 3500** -- Health, Dept. of -- Enacts the "Minority Health Act of 2004".

**House Bill No. 3515** -- Hospitals and Health Care Facilities -- Specifically excludes "mental health residential treatment facility" from the definition of "health care institution" thereby exempting such facilities from certification of need requirements. Amends TCA Section 68-11-1602.

**House Bill No. 3516** -- Mental Health and Developmental Disabilities, Dept. of -- Revises various decision-making requirements concerning mental health treatment. Amends TCA Title 33.

**House Bill No. 3535** -- Tennessee Wildlife Resources Agency -- Authorizes the agency to enter into agreements with the U.S. Coast Guard to enforce federal regulations in connection with homeland security related activities on state waters; the office of homeland security must approve all such agreements.

**House Bill No. 3583** -- Trenton -- Subject to local approval, increases tax rate for the Trenton special school district from \$1.71 to \$1.87 per \$100 of assessed value. Amends Chapter 144 of the Private Acts of 1975; as amended.

**House Bill No. 3585** -- Stewart County -- Subject to local approval, authorizes Stewart County to impose a privilege tax of 5 percent upon the privilege of occupancy in any hotel.

**SENATE BILL ON SECOND CONSIDERATION**

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee:

**Senate Bill No. 3498** held on desk.

**INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 939** by Senator Kilby.

Memorials, Academic Achievement -- Jessica Danielle Jones, Valedictorian, Sunbright High School.

**Senate Joint Resolution No. 940** by Senator Kilby.

Memorials, Academic Achievement -- Frederick Charles Taylor, Jr., Valedictorian, Central High School.

**Senate Joint Resolution No. 941** by Senator Kilby.

Memorials, Academic Achievement -- Deborah Elizabeth Boylan, Valedictorian, Central High School.

**Senate Joint Resolution No. 942** by Senator Kilby.

Memorials, Academic Achievement -- Brian Philip Lester, Valedictorian, Wartburg Central High School.

**Senate Joint Resolution No. 943** by Senator Cohen.

Highway Signs -- "Morris H. Fair Memorial Bridge", SR 177 in Shelby County.

**Senate Joint Resolution No. 944** by Senator Crowe.

Memorials, Heroism -- Lance Corporal Nathan Lorin Morrow, United States Marines.

**Senate Resolution No. 193** by Senator Kurita.

Memorials, Academic Achievement -- Rebekah Leah Lambert, Salutatorian, Houston County High School.

**RESOLUTIONS LYING OVER**

**House Joint Resolution No. 894** -- Memorials, Government Officials -- Requests Department of Environment and Conservation to refrain from permitting sanitary landfills if there is significant community opposition and if such special use results in distribution of waste constituents hazardous to public health, safety and welfare.

The Speaker announced that he had referred House Joint Resolution No. 894 to Committee on Environment, Conservation and Tourism.

**House Joint Resolution No. 1046** -- Memorials, Retirement -- Doyle Walters.

The Speaker announced that he had referred House Joint Resolution No. 1046 to Committee on Calendar.

**House Joint Resolution No. 1048** -- Memorials, Recognition -- 50th Season of the Kiwanis Club of Lebanon Little League.

The Speaker announced that he had referred House Joint Resolution No. 1048 to Committee on Calendar.

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**House Joint Resolution No. 1049** -- Memorials, Personal Occasion -- Delmer Howard Cosner, 60th birthday.

The Speaker announced that he had referred House Joint Resolution No. 1049 to Committee on Calendar.

**House Joint Resolution No. 1051** -- Memorials, Recognition -- Mary Frances Lyle, Athena Award.

The Speaker announced that he had referred House Joint Resolution No. 1051 to Committee on Calendar.

**House Joint Resolution No. 1052** -- Memorials, Recognition -- James Nelson Scott.

The Speaker announced that he had referred House Joint Resolution No. 1052 to Committee on Calendar.

**House Joint Resolution No. 1053** -- Memorials, Recognition -- National Ornamental Metal Museum, 25th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 1053 to Committee on Calendar.

**House Joint Resolution No. 1054** -- Memorials, Personal Achievement -- Will Kirkman Colton, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 1054 to Committee on Calendar.

**House Joint Resolution No. 1056** -- Memorials, Professional Achievement -- Craig Jones, Bartlett Fire Department Firefighter of the Year.

The Speaker announced that he had referred House Joint Resolution No. 1056 to Committee on Calendar.

**House Joint Resolution No. 1057** -- Memorials, Academic Achievement -- Todd Alan Wright, Salutatorian, Rockwood High School.

The Speaker announced that he had referred House Joint Resolution No. 1057 to Committee on Calendar.

**House Joint Resolution No. 1058** -- Memorials, Academic Achievement -- Rebekah Jody Miller, Valedictorian, Rockwood High School.

The Speaker announced that he had referred House Joint Resolution No. 1058 to Committee on Calendar.

**House Joint Resolution No. 1059** -- Memorials, Death -- Jack Ramsey.

The Speaker announced that he had referred House Joint Resolution No. 1059 to Committee on Calendar.

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**House Joint Resolution No. 1060** -- Memorials, Death -- Elder Rue Eskridge, Sr.

The Speaker announced that he had referred House Joint Resolution No. 1060 to Committee on Calendar.

**Senate Joint Resolution No. 914** -- Memorials, Academic Achievement -- James Duncan Williams, Jr., Valedictorian, Greenbrier High School.

The Speaker announced that he had referred Senate Joint Resolution No. 914 to Committee on Calendar.

**Senate Joint Resolution No. 915** -- Memorials, Academic Achievement -- Melissa Dawn Lohman, Salutatorian, Greenbrier High School.

The Speaker announced that he had referred Senate Joint Resolution No. 915 to Committee on Calendar.

**Senate Joint Resolution No. 916** -- Memorials, Academic Achievement -- Phillip Alan Green, Salutatorian, Greenbrier High School.

The Speaker announced that he had referred Senate Joint Resolution No. 916 to Committee on Calendar.

**Senate Joint Resolution No. 917** -- Memorials, Recognition -- Reverend David O. Jones.

The Speaker announced that he had referred Senate Joint Resolution No. 917 to Committee on Calendar.

**Senate Joint Resolution No. 918** -- Memorials, Academic Achievement -- Elizabeth Vu, Salutatorian, Treadwell High School.

The Speaker announced that he had referred Senate Joint Resolution No. 918 to Committee on Calendar.

**Senate Joint Resolution No. 919** -- Memorials, Academic Achievement -- William Harris, Jr., Valedictorian, Treadwell High School.

The Speaker announced that he had referred Senate Joint Resolution No. 919 to Committee on Calendar.

**Senate Joint Resolution No. 920** -- Memorials, Academic Achievement -- Bethany Wheeler, Valedictorian, Sequatchie County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 920 to Committee on Calendar.

**Senate Joint Resolution No. 921** -- Memorials, Recognition -- Mahaffey White.

The Speaker announced that he had referred Senate Joint Resolution No. 921 to Committee on Calendar.

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**Senate Joint Resolution No. 922** -- Memorials, Retirement -- Peggy Tackett.

The Speaker announced that he had referred Senate Joint Resolution No. 922 to Committee on Calendar.

**Senate Joint Resolution No. 923** -- Memorials, Academic Achievement -- Kevin Christopher Omoumi, Valedictorian, White County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 923 to Committee on Calendar.

**Senate Joint Resolution No. 924** -- Memorials, Academic Achievement -- Brittany Elaine King, Salutatorian, White County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 924 to Committee on Calendar.

**Senate Joint Resolution No. 925** -- Memorials, Academic Achievement -- Dakota Lee Brown, Valedictorian, Upperman High School.

The Speaker announced that he had referred Senate Joint Resolution No. 925 to Committee on Calendar.

**Senate Joint Resolution No. 926** -- Memorials, Academic Achievement -- Michael Lee Bartlett, Salutatorian, Upperman High School.

The Speaker announced that he had referred Senate Joint Resolution No. 926 to Committee on Calendar.

**Senate Joint Resolution No. 927** -- Memorials, Academic Achievement -- Heather Nicole Capps, Valedictorian, Pickett County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 927 to Committee on Calendar.

**Senate Joint Resolution No. 928** -- Memorials, Academic Achievement -- Luke Mason, Salutatorian, Pickett County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 928 to Committee on Calendar.

**Senate Joint Resolution No. 929** -- Memorials, Academic Achievement -- Candi Cassandra Bachour, Valedictorian, Jackson County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 929 to Committee on Calendar.

**Senate Joint Resolution No. 930** -- Memorials, Academic Achievement -- Andrew Justin Allen, Salutatorian, Jackson County High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 930 to Committee on Calendar.

**Senate Joint Resolution No. 931** -- Memorials, Academic Achievement -- Heather Lovae Glasgow, Valedictorian, Cookeville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 931 to Committee on Calendar.

**Senate Joint Resolution No. 932** -- Memorials, Academic Achievement -- Senka Hadzimuratovic, Salutatorian, Cookeville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 932 to Committee on Calendar.

**Senate Joint Resolution No. 933** -- Memorials, Academic Achievement -- Tyrone Steve Phillips, Valedictorian, Monterey High School.

The Speaker announced that he had referred Senate Joint Resolution No. 933 to Committee on Calendar.

**Senate Joint Resolution No. 934** -- Memorials, Academic Achievement -- Shalena Irene Parker, Salutatorian, Monterey High School.

The Speaker announced that he had referred Senate Joint Resolution No. 934 to Committee on Calendar.

**Senate Joint Resolution No. 935** -- Memorials, Academic Achievement -- Savannah Renae DeRossett, Valedictorian, Cumberland County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 935 to Committee on Calendar.

**Senate Joint Resolution No. 936** -- General Assembly, Studies -- Creates a special joint committee to study assistive technology assistance.

The Speaker announced that he had referred Senate Joint Resolution No. 936 to Committee on Delayed Bills.

**Senate Joint Resolution No. 937** -- Memorials, Academic Achievement -- Jessica Michelle Kreis, Salutatorian, Sunbright High School.

The Speaker announced that he had referred Senate Joint Resolution No. 937 to Committee on Calendar.

**Senate Joint Resolution No. 938** -- Memorials, Academic Achievement -- Shaina Kristie Kilby, Valedictorian, Sunbright High School.

The Speaker announced that he had referred Senate Joint Resolution No. 938 to Committee on Calendar.



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**Senate Resolution No. 171** -- Memorials, Academic Achievement -- Tara Daniel, Valedictorian, Rossview High School.

The Speaker announced that he had referred Senate Resolution No. 171 to Committee on Calendar.

**Senate Resolution No. 172** -- Memorials, Academic Achievement -- Jennifer Ryan, Salutatorian, Rossview High School.

The Speaker announced that he had referred Senate Resolution No. 172 to Committee on Calendar.

**Senate Resolution No. 173** -- Memorials, Academic Achievement -- Sarah Elizabeth Massengale, Valedictorian, Scott High School.

The Speaker announced that he had referred Senate Resolution No. 173 to Committee on Calendar.

**Senate Resolution No. 174** -- Memorials, Academic Achievement -- Crissy Deason, Valedictorian, Houston County High School.

The Speaker announced that he had referred Senate Resolution No. 174 to Committee on Calendar.

**Senate Resolution No. 175** -- Memorials, Academic Achievement -- Megan Cleghorn, 7th Semester Valedictorian, Houston County High School.

The Speaker announced that he had referred Senate Resolution No. 175 to Committee on Calendar.

**Senate Resolution No. 176** -- Memorials, Academic Achievement -- Galilee Jordan Bagwell, Valedictorian, Unity Christian Academy.

The Speaker announced that he had referred Senate Resolution No. 176 to Committee on Calendar.

**Senate Resolution No. 177** -- Memorials, Academic Achievement -- Joseph Allen Kennedy, Valedictorian, Northeast High School.

The Speaker announced that he had referred Senate Resolution No. 177 to Committee on Calendar.

**Senate Resolution No. 178** -- Memorials, Academic Achievement -- Travis Allen Stanton, Salutatorian, Northeast High School.

The Speaker announced that he had referred Senate Resolution No. 178 to Committee on Calendar.

**Senate Resolution No. 179** -- Memorials, Academic Achievement -- Matthew Gannaway, Salutatorian, Unity Christian Academy.

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The Speaker announced that he had referred Senate Resolution No. 179 to Committee on Calendar.

**Senate Resolution No. 180** -- Memorials, Academic Achievement -- Morgan Falls, Valedictorian, Houston County High School.

The Speaker announced that he had referred Senate Resolution No. 180 to Committee on Calendar.

**Senate Resolution No. 181** -- Memorials, Academic Achievement -- Jamie Cary, Valedictorian, Houston County High School.

The Speaker announced that he had referred Senate Resolution No. 181 to Committee on Calendar.

**Senate Resolution No. 182** -- Memorials, Academic Achievement -- Dawn Leigh Ann Cobb, 7th Semester Valedictorian, Houston County High School.

The Speaker announced that he had referred Senate Resolution No. 182 to Committee on Calendar.

**Senate Resolution No. 183** -- Memorials, Professional Achievement -- WKBL AM, 50th anniversary.

The Speaker announced that he had referred Senate Resolution No. 183 to Committee on Calendar.

**Senate Resolution No. 184** -- Memorials, Academic Achievement -- Francescea M. Davis, Salutatorian, Wooddale High School.

The Speaker announced that he had referred Senate Resolution No. 184 to Committee on Calendar.

**Senate Resolution No. 185** -- Memorials, Academic Achievement -- Crystal Vonika, Salutatorian, Westwood High School.

The Speaker announced that he had referred Senate Resolution No. 185 to Committee on Calendar.

**Senate Resolution No. 186** -- Memorials, Academic Achievement -- Jessica Guy, Salutatorian, Whitehaven High School.

The Speaker announced that he had referred Senate Resolution No. 186 to Committee on Calendar.

**Senate Resolution No. 187** -- Memorials, Academic Achievement -- Andrea Betesh, Valedictorian, Ridgeway High School.

The Speaker announced that he had referred Senate Resolution No. 187 to Committee on Calendar.

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**Senate Resolution No. 188** -- Memorials, Academic Achievement -- Shirley M. Norman, Valedictorian, Wooddale High School.

The Speaker announced that he had referred Senate Resolution No. 188 to Committee on Calendar.

**Senate Resolution No. 189** -- Memorials, Academic Achievement -- Dionne M. Smith, Valedictorian, Westwood High School.

The Speaker announced that he had referred Senate Resolution No. 189 to Committee on Calendar.

**Senate Resolution No. 190** -- Memorials, Academic Achievement -- Earl A. Wynne, Valedictorian, Hamilton High School.

The Speaker announced that he had referred Senate Resolution No. 190 to Committee on Calendar.

**Senate Resolution No. 191** -- Memorials, Academic Achievement -- Markeenya Gunn, Valedictorian, Whitehaven High School.

The Speaker announced that he had referred Senate Resolution No. 191 to Committee on Calendar.

**Senate Resolution No. 192** -- Memorials, Academic Achievement -- Tammy Rayford, Salutatorian, Hamilton High School.

The Speaker announced that he had referred Senate Resolution No. 192 to Committee on Calendar.

**MOTION**

Senator Henry moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 320, 539, 1337, 1340, 1600, 2145, 2146, 2152, 2263, 2346, 2365, 2389, 2390, 2630, 2659, 2795, 2860, 2894, 3225, 3242, 3245, 3268, 3326, 3328, 3418, 3427, 3429, 3457 and 3466; and Senate Joint Resolution No. 71** on the calendar for the Committee on Finance, Ways and Means for Tuesday, April 13, 2004, which motion prevailed.

**MOTION**

Senator Cohen moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 2823** on the calendar for the Committee on State and Local Government for Tuesday, April 13, 2004, which motion prevailed.

**MOTION**

Senator Cooper moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 3496** on the calendar for the Committee on Commerce, Labor and Agriculture for Tuesday, April 13, 2004, which motion prevailed.

**NOTICES**

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

**MESSAGE FROM THE HOUSE**

April 8, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2119, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 8, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2139, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 8, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2300, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 8, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2673, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 8, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 189. The House nonconcurred in Senate Amendment No. 2.

BURNEY T. DURHAM,  
Chief Clerk.

**CONSENT CALENDAR NO. 1**

**House Joint Resolution No. 1040** -- Memorials, Retirement -- Bill Anderson.

**House Joint Resolution No. 1041** -- Memorials, Congratulations -- Livingston Academy girls' basketball state champion team.

**House Joint Resolution No. 1042** -- Memorials, Congratulations -- Clarkrange High School girls' basketball team, 2004 Class A State Champions.

**House Joint Resolution No. 1044** -- Memorials, Professional Achievement -- Charlene Mullins, 50 years of service to Tennessee Technological University.

**Senate Joint Resolution No. 898** -- Memorials, Academic Achievement -- Tina Barnes, Valedictorian, Faith Missionary Academy.

**Senate Joint Resolution No. 899** -- Memorials, Academic Achievement -- Felicia Henderson, Salutatorian, Faith Missionary Academy.

**Senate Joint Resolution No. 900** -- Memorials, Personal Occasion -- Orval Harrison, 90th birthday.

**Senate Joint Resolution No. 901** -- Memorials, Academic Achievement -- Nathan Lee Sanders, Co-Valedictorian, Grundy County High School.

**Senate Joint Resolution No. 902** -- Memorials, Academic Achievement -- Dustin Isaiah Ruelding, Co-Valedictorian, Grundy County High School.

**Senate Joint Resolution No. 903** -- Memorials, Academic Achievement -- Christopher Allen Thomas, Salutatorian, Grundy County High School.

**Senate Joint Resolution No. 904** -- Memorials, Academic Achievement -- Aprele Fitzgerald, Salutatorian, Westmoreland High School.

**Senate Joint Resolution No. 905** -- Memorials, Academic Achievement -- Patrick Duffer, Valedictorian, Westmoreland High School.

**Senate Joint Resolution No. 906** -- Memorials, Academic Achievement -- Mallory Johnston, Valedictorian, Westmoreland High School.

**Senate Joint Resolution No. 907** -- Memorials, Academic Achievement -- Rachel Graves, Valedictorian, Westmoreland High School.

**Senate Joint Resolution No. 908** -- Memorials, Death -- Helen Moyler Hankins.

**Senate Joint Resolution No. 909** -- Memorials, Retirement -- Colman B. Woodhall.

**Senate Resolution No. 161** -- Memorials, Academic Achievement -- Brandon Russell Langley, Valedictorian, Midway High School.

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**Senate Resolution No. 162** -- Memorials, Academic Achievement -- Kristy Nicole Faulkner, Valedictorian, Midway High School.

**Senate Resolution No. 163** -- Memorials, Academic Achievement -- Ashley Monique Gipson, Valedictorian, Midway High School.

**Senate Resolution No. 164** -- Memorials, Academic Achievement -- Kyrie Jai Settlemyer, Salutatorian, Midway High School.

**Senate Resolution No. 165** -- Memorials, Academic Achievement -- Emily Kristin Watts, Valedictorian, Scott High School.

**Senate Resolution No. 166** -- Memorials, Academic Achievement -- Andrew Jason Bennett, Valedictorian, Oakdale High School.

**Senate Resolution No. 167** -- Memorials, Academic Achievement -- Sheila Michelle Bowlin, Salutatorian, Oakdale School.

**Senate Resolution No. 168** -- Memorials, Academic Achievement -- Michelle Yvonne Limburg, Salutatorian, Scott High School.

**Senate Resolution No. 169** -- Memorials, Academic Achievement -- Alicia Danielle Chambers, Valedictorian, Scott High School.

**Senate Resolution No. 170** -- Memorials, Academic Achievement -- Brandon Scott Allen, Valedictorian, Scott High School.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

**Senate Bill No. 2486** -- Sunset Laws -- Victims council, June 30, 2010. Amends TCA Title 4, Chapter 29 and Title 40, Chapter 38.

On motion, Senate Bill No. 2486 was made to conform with **House Bill No. 2451**.

On motion, House Bill No. 2451, on same subject, was substituted for Senate Bill No. 2486.

**Senate Bill No. 2487** -- Sunset Laws -- Sex offender treatment board, June 30, 2010. Amends TCA Title 4, Chapter 29 and Title 39, Chapter 13.

On motion, Senate Bill No. 2487 was made to conform with **House Bill No. 2450**.

On motion, House Bill No. 2450, on same subject, was substituted for Senate Bill No. 2487.

**Senate Bill No. 2546** -- Sunset Laws -- Advisory board for rehabilitation centers, June 30, 2010. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 11.

On motion, Senate Bill No. 2546 was made to conform with **House Bill No. 2467**.

On motion, House Bill No. 2467, on same subject, was substituted for Senate Bill No. 2546.

**Senate Bill No. 2556** -- Sunset Laws -- Deletes rehabilitation centers advisory boards from sunset provisions. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 11.

**Senate Bill No. 3405** -- Medical Occupations -- Revises time frame for completion of United States medical licensing examination for applicant to be licensed to practice medicine or surgery in this state.

On motion, Senate Bill No. 3405 was made to conform with **House Bill No. 3488**.

On motion, House Bill No. 3488, on same subject, was substituted for Senate Bill No. 3405.

**Senate Bill No. 3407** -- Health, Dept. of -- Enacts the "Minority Health Act of 2004".

On motion, Senate Bill No. 3407 was made to conform with **House Bill No. 3500**.

On motion, House Bill No. 3500, on same subject, was substituted for Senate Bill No. 3407.

**Senate Bill No. 3408** -- Dentists -- Adds application of fluoride to teeth of at risk, underserved persons in state, county or municipal public health clinic by nurses or nurse practitioners to list of practices exempt from other laws regulating dentists.

On motion, Senate Bill No. 3408 was made to conform with **House Bill No. 3489**.

On motion, House Bill No. 3489, on same subject, was substituted for Senate Bill No. 3408.

**Senate Bill No. 3453** -- Veterinarians -- Allows state veterinarian to serve as non-voting, ex-officio member of board of veterinary medical examiners. Amends TCA Section 63-12-104.

On motion, Senate Bill No. 3453 was made to conform with **House Bill No. 3540**.

On motion, House Bill No. 3540, on same subject, was substituted for Senate Bill No. 3453.

**Senate Bill No. 3459** -- Hospitals and Health Care Facilities -- Revises provisions governing access to patients' medical records.

Senator Crowe moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

CALENDAR

Mr. Speaker Wilder moved that **Senate Bill No. 596** be placed on the calendar for Monday, April 19, 2004, which motion prevailed.

Mr. Speaker Wilder moved that **Senate Bill No. 601** be placed on the calendar for Monday, April 19, 2004, which motion prevailed.

**Senate Bill No. 1591** -- Nurses, Nursing -- Allows exemption from nursing statutes to apply to those individuals incapable of self-administration as determined by standards set by Department of Mental Health and Developmental Disabilities. Amends TCA Title 63, Chapter 7, Part 1.

On motion, Senate Bill No. 1591 was made to conform with **House Bill No. 1751**.

On motion, House Bill No. 1751, on same subject, was substituted for Senate Bill No. 1591.

On motion of Senator Ford, Amendment No. 1 was withdrawn, which motion prevailed.

Thereupon, **House Bill No. 1751** passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senator Cohen moved that **Senate Bill No. 2092** be placed on the calendar for Thursday, April 15, 2004, which motion prevailed.

**Senate Bill No. 2113** -- Motor Vehicles -- Creates Class C misdemeanor offense, punishable by \$50.00 fine only, for intentionally transporting a dog, with certain exceptions, on an open area of a motor vehicle without suitable restraints. Amends TCA Title 39 and Title 55.

Senator McLeary moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the following as a new subsection (c) in Section 1 of the printed bill and by relettering the existing subsection (c) accordingly:

(c) The provisions of this act shall apply only to controlled-access highways with four (4) or more lanes that are designated as being part of the federal interstate highway system.

On motion, Amendment No. 1 was adopted.



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Thereupon, **Senate Bill No. 2113**, as amended, failed for lack of a constitutional majority by the following vote:

Ayes . . . . .	12
Noes . . . . .	15
Present, not voting . . .	2

Senators voting aye were: Atchley, Burchett, Cohen, Cooper, Crutchfield, Dixon, Ford, Harper, Ketron, Kurita, McLeary and McNally--12.

Senators voting no were: Beavers, Bryson, Burks, Crowe, Fowler, Haynes, Herron, Jackson, Kilby, Miller, Norris, Ramsey, Southerland, Trail and Williams--15.

Senators present and not voting were: Clabough and Person--2.

A motion to reconsider was tabled.

Pursuant to Rule 62, **Senate Bill No. 2113**, as amended, was rereferred to Committee on Calendar.

Senator Haynes moved that **Senate Bill No. 2385** be placed at the heel of the calendar for today, which motion prevailed.

**Senate Bill No. 2835** -- Alcoholic Beverages -- Expands Class B counties for regulating beer currently applying only to counties having metropolitan government to also include counties having charter form of government. Amends TCA Title 57, Chapter 5, Part 1.

On motion, Senate Bill No. 2835 was made to conform with **House Bill No. 2901**.

On motion, House Bill No. 2901, on same subject, was substituted for Senate Bill No. 2835.

On motion of Senator McNally, Amendment No. 1 was withdrawn, which motion prevailed.

Senator McNally moved that **House Bill No. 2901** be moved five places down on the calendar for today, which motion prevailed.

**Senate Bill No. 2876** -- Education -- Provides for LEAs to include contact information on child advocacy groups and the Department of Education in student handbooks or other information disseminated to parents. Amends TCA Section 49-2-203.

On motion, Senate Bill No. 2876 was made to conform with **House Bill No. 2161**.

On motion, House Bill No. 2161, on same subject, was substituted for Senate Bill No. 2876.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by redesignating Section 2 of the printed bill to be Section 3 and by adding the following new Section 2:

SECTION 2. Local education agencies shall not be required to replace existing supplies of handbooks in order to include the information required in Section 1 until such supplies are exhausted.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2161**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 32

Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

**Senate Bill No. 3047** -- Physicians and Surgeons -- Expands the medical specialists eligible to participate in the waiver of foreign residence requirement for medical graduates who are aliens and make other revisions to such program. Amends TCA Section 68-1-121.

Senator Ford moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-1-121, is amended by deleting the section in its entirety and substituting the following:

Section 68-1-121. (a) The Commissioner of Health is empowered to promulgate public necessity rules and regulations pursuant to a waiver of the foreign residence requirement with respect to an alien who agrees to practice medicine in a federally-designated underserved area of the State of Tennessee in accordance with the requirements of the Immigration and Nationality Technical Corrections Act of 1994 (Pub. L. 103-416) as amended.

(b)(1) Primary care physicians, including primary care physicians who have subspecialty training, shall be placed in health care practice sites which are located in counties containing federally designated health professional shortage areas (HPSAs) and/or medically underserved areas (MUAs), either of which must also be located within the top thirty (30) state designated health resource shortage areas (HRSAs) for TennCare, primary care, obstetrics or pediatrics.

(2) No more than thirty percent (30%) of the slots permitted by federal law shall be allocated to physician specialists between October 1 and June 30 of each federal fiscal year. To be considered, physician specialists shall be affiliated with a hospital that meets one (1) of the following criteria: within the twenty (20) non-psychiatric hospitals with the highest percentage of total adjusted patient days for TennCare patients, a rural referral center hospital, a sole community hospital, a Medicare dependent hospital, or a rural hospital

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meeting the guidelines for placement of a primary care physician. Applications

for a physician specialist will be accepted from critical access hospitals after March 31. Physician specialists shall agree to practice their specialty with the affiliated hospital for a minimum of forty (40) hours per week and for a minimum of three (3) years. Physician specialists delineated in rules and regulations, as well as general surgeons, may be placed at any eligible hospital.

(c) Additionally, no more than one-third (1/3) of the specialty physicians granted slots between October 1 and June 30 of each year may serve in urban HPSAs. A hospital that has received a physician specialist slot between October 1 and March 31, may only have its application for a second specialist accepted if additional slots permitted by federal law are available and the thirty percent (30%) of specialty slots have not been committed by April 1. If the full complement of slots permitted by federal law has not been committed by June 30, the percentage limitations on the number of slots allocated to specialty physicians and on the placement of specialty physicians, set forth above, shall no longer be applicable. After June 30, specialist slots shall be opened to all eligible hospitals, urban and rural, for the final quarter of the year. During the final quarter, priority for the specialist slots is given to specialists but primary care provider applications will be accepted if specialist slots are available and no other specialist provider application has been received and deemed eligible.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3047**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

**Senate Bill No. 3062** -- Lottery, Corporation -- Requires board to report on minority business participation to the Tennessee legislative black caucus on at least a quarterly basis. Amends TCA Title 4, Chapter 51, Part 1.

Senator Ford moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-51-112(a), is amended by deleting the language "The board shall monitor the results of minority owned business participation and shall report the results of minority owned business participation to the general assembly at least on an annual basis." and by substituting instead the following language:

The board shall monitor the results of minority owned business participation and shall report the results of minority owned business participation to the general assembly at least on a semi-annual basis.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3062**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

**Senate Bill No. 3193** -- Alcoholic Beverages -- Allows any art gallery to serve wine to patrons at no charge if such art gallery does not sell food or beverages and receives 90 percent of its revenue from the sale of artwork. Amends TCA Title 57, Chapter 4, Part 1.

Senator Cohen moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by adding the following language at the end of the amendatory language of Section 1:

Notwithstanding any other provision of law to the contrary, any art gallery permitted to serve wine under this section shall not be required to pay any fees or taxes related to the privilege of serving wine.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3193**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	21
Noes . . . . .	5
Present, not voting . . .	2

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Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Graves, Harper, Henry, Jackson, Ketron, Kurita, McLeary, McNally, Miller, Norris, Ramsey and Mr. Speaker Wilder--21.

Senators voting no were: Beavers, Burks, Herron, Southerland and Williams--5.

Senators present and not voting were: Haynes and Trail--2.

A motion to reconsider was tabled.

**Senate Bill No. 3244** -- Comptroller, State -- Adds additional duties and powers to the office of the comptroller with regard to the office of local government, the commission on intergovernmental relations and municipalities.

Senator Henry moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 1 of the printed bill and by substituting the following:

SECTION 1. Tennessee Code Annotated, Section 4-31-117(b), is amended by deleting the existing language in its entirety and by substituting the following:

(b) The annual report, including financial statements, all books, accounts and financial records of the authority shall be audited annually by the comptroller of the treasury.

AND FURTHER AMEND by deleting Section 2 of the printed bill and by substituting the following:

SECTION 2. Tennessee Code Annotated, Section 13-23-125(b)(1), is amended by deleting the existing language in its entirety and by substituting the following:

(b)(1) The annual report, including financial statements, all books, accounts and financial records of the agency shall be audited annually by the comptroller of the treasury.

AND FURTHER AMEND by adding the following as a new section immediately prior to the effective date section and renumbering accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 67-5-1316, is amended by deleting the existing language in its entirety and by substituting the following:

Every taxpayer liable for the assessment imposed by this part shall file with the comptroller of the treasury on such form as the comptroller may prescribe an accurate and complete return, signed by the taxpayer, or the taxpayer's president or other company official under penalty of perjury. The comptroller shall have the authority to require additional information to be filed. The comptroller, in the comptroller's discretion, may establish a program which will allow for the required information to be filed electronically.

On motion, Amendment No. 1 was adopted.

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Thereupon, **Senate Bill No. 3244**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 32  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

**FURTHER ACTION ON HOUSE BILL NO. 2901**

Senator McNally moved that the Senate reconsider its action in withdrawing Amendment No. 1 to House Bill No. 2901, which motion prevailed by the following vote:

Ayes ..... 27  
Noes ..... 1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Henry, Herron, Jackson, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--27.

Senator voting no was: Burks--1.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-5-105(g)(2), is amended by deleting the language "in Class B counties" and by substituting instead the language "in Class B counties and counties having a population in excess of three hundred thousand (300,000) according to the 2000 federal census or any subsequent federal census".

SECTION 2. Tennessee Code Annotated, Section 57-5-109, is amended by deleting the language "as of January 1, 1993" wherever it appears; and is further amended by deleting the language "after January 1, 1993" in subsection (a).

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it.

Senator McNally moved that **House Bill No. 2901** be placed on the calendar for Thursday, April 15, 2004, which motion prevailed.

**Senate Bill No. 3320** -- Mental Health and Developmental Disabilities, Dept. of -- Directs department to study feasibility of guardianship program for mentally disabled persons. Amends TCA Title 33 and Title 34.

Senator Ford moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 33, Chapter 1, is amended by adding the following as a new, appropriately designated section:

33-1-\_\_\_\_. The Department of Mental Health and Developmental Disabilities along with the Department of Human Services and the Department of Children's Services are directed to study the feasibility of a guardianship program for persons who are mentally disabled and/or physically disabled. Such program may be similar to the guardianship program for the elderly administered by the commission on aging created in § 34-7-103. The departments shall study the financial impact of such a program and shall find out whether any federal grants exist to help fund such a program. All departments and the comptroller of the treasury shall cooperate with these departments in assisting in the study of such guardianship program. The departments shall also solicit input and resources from interested organizations in helping them study the development of such guardianship program. The departments shall report their findings and suggested legislation to the Governor, the Senate General Welfare, Health and Human Resources Committee and the House Health and Human Resources Committee by January 15, 2005.

SECTION 2. It is the legislative intent that this act not be codified by the Tennessee Code Commission.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it. This act shall be repealed on June 30, 2006, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3320**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senator Beavers moved that **Senate Bill No. 3332** be placed on the calendar for Thursday, April 15, 2004, which motion prevailed.



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**Senate Bill No. 3386** -- Mental Health and Developmental Disabilities, Dept. of -- Revises various decision-making requirements concerning mental health treatment. Amends TCA Title 33.

On motion, Senate Bill No. 3386 was made to conform with **House Bill No. 3516**.

On motion, House Bill No. 3516, on same subject, was substituted for Senate Bill No. 3386.

On motion of Senator Ford, Amendment No. 1 was withdrawn, which motion prevailed.

Thereupon, **House Bill No. 3516** passed its third and final consideration by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senator Jackson moved that **Senate Bill No. 1892** be placed on the calendar for Monday, April 26, 2004, which motion prevailed.

**Senate Bill No. 2371** -- Courts, General Sessions -- Makes law applicable to permissive appointment of judicial commissioners applicable statewide except in any county having a metropolitan form of government. Amends TCA Section 40-1-111, as amended.

Thereupon, **Senate Bill No. 2371**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**Senate Bill No. 2380** -- Registers of Deeds -- Revises procedures for filing, registering and recording documents in office of county register. Amends TCA Title 13 and Title 66.

On motion, Senate Bill No. 2380 was made to conform with **House Bill No. 2547**.

On motion, House Bill No. 2547, on same subject, was substituted for Senate Bill No. 2380.

On motion of Senator Haynes, Amendment No. 1 was withdrawn, which motion prevailed.

Thereupon, **House Bill No. 2547** passed its third and final consideration by the following vote:

Ayes ..... 32  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senator Haynes moved that **Senate Bill No. 2385** be placed on the calendar for Thursday, April 15, 2004, which motion prevailed.

### SENATE MESSAGE CALENDAR

#### HOUSE BILL ON SENATE AMENDMENT

**House Bill No. 2813** -- Tennessee Bureau of Investigation -- Authorizes the Department of Children's Services to request that a criminal justice agency conduct a name-based criminal history check on adult residents of the home in which a child is placed during an emergency situation and requires the TBI to positively identify the residents by fingerprint analysis. Amends TCA Section 37-2-415.

Senator Trail moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 1 to House Bill No. 2813, which motion prevailed by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

#### SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 2275** -- Tennessee Bureau of Investigation -- Permits the chief justice of the supreme court as well as the governor to request investigative records from the TBI and request that the TBI conduct background investigations on potential appointees. Amends TCA Section 38-6-106.

#### HOUSE AMENDMENT NO. 3

AMEND by adding the following as a new, appropriately designated subsection to the amendatory language of Section 1:

(d) The authority granted by this section to the chief justice of the supreme court to request the Tennessee Bureau of Investigation to conduct background investigations is limited to investigations of persons applying or considered for the positions of:

- (1) Attorney General and Reporter;
- (2) Clerk of the Supreme Court (Appellate Court Clerk);
- (3) Administrative Director of the Courts;
- (4) Executive Director, Tennessee Lawyers' Assistance Program;
- (5) Chief Disciplinary Counsel, Board of Professional Responsibility;
- (6) Executive Director, Tennessee Commission on Continuing Legal Education and Specialization; and
- (7) Executive Director, Tennessee Lawyers' Fund for Client Protection

Senator Trail moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 2275**, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

#### HOUSE AMENDMENT NO. 4

AMEND by inserting the following language between the first and second sentences of the original amendatory subsection (b) in Section 1:

The chair of the nominating commission appointed pursuant to Section 38-6-101 is authorized to request a background investigation concerning any person who is under consideration by the nominating commission as a potential candidate for recommendation to the governor as a nominee for the position of Director of the Tennessee Bureau of Investigation. Such commission may contract with a private entity or the federal government to conduct such investigation.

AND FURTHER AMEND by inserting the following language immediately before the last sentence of the original amendatory subsection (b) in Section 1:

The entity with which the nominating commission contracts shall report the results to the chair of the nominating commission, either verbally or in writing, as the chair of the nominating commission may direct.

AND FURTHER AMEND by adding the following language at the end of the original amendatory subsection (c) in Section 1:

Any background investigation requested by a nominating commission appointed pursuant to Section 38-6-101, and any such background investigation delivered to the governor by the commission, shall be treated as confidential.

Senator Trail moved that the Senate concur in House Amendment No. 4 to **Senate Bill No. 2275**, which motion prevailed by the following vote:

Ayes ..... 32  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

#### HOUSE AMENDMENT NO. 5

AMEND by adding the following language as a new, appropriately designated subsection at the end of the original amendatory language in Section 1:

The commission appointed pursuant to § 38-6-101 is authorized to contract with a private entity for other services, including but not limited to, recruiting and screening applicants. Names of applicants and related records shall remain confidential except to the extent such records are received by the commission; provided that background investigations, and information which would remain confidential pursuant to § 10-7-504 if such applicants were employees of the state, shall remain confidential even after receipt by the commission and the governor.

AND FURTHER AMEND by deleting the effective date section in its entirety and by substituting instead the following:

SECTION\_\_\_. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Trail moved that the Senate concur in House Amendment No. 5 to **Senate Bill No. 2275**, which motion prevailed by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 3029** -- Consumer Protection -- Makes it a deceptive trade practice to advertise for a seminar on living trusts or estate taxation unless advertisement also states the minimum amount at which an estate must be valued in order to be subject to estate tax. Amends TCA Title 23, Chapter 3 and Title 47, Chapter 18.

**HOUSE AMENDMENT NO. 3**

AMEND by deleting the amendatory language of Section 1, as amended, in its entirety, and by substituting instead the following:

( ) (A) Using any advertisement for a workshop, seminar, conference, or other meeting that contains a reference to a living trust or a revocable living trust, or that otherwise offers advice or counsel on estate taxation unless such advertisement also includes the information required in this subsection.

(B) An advertisement as provided in this subsection shall, at a minimum, include the following:

(i) The maximum exclusion for federal estate tax purposes and the maximum exemption for state inheritance tax purposes for the year in which the advertisement appears;

(ii) Includes a statement that certain property, including real property, insurance proceeds, deposit accounts, stocks and retirement funds, may be taxable or not taxable, depending on how legal title is held and/or beneficiary designations are made;

(iii) Includes a statement that certain property may be transferred through several different means including, but not limited to, joint ownership of property with rights of survivorship, joint deposit accounts, beneficiary designations or elections permitted under retirement plans, insurance policies, trusts, or wills; and

(iv) A statement that before creating any transfer through a living trust, revocable living trust, or otherwise, the individual should seek advice from an attorney, accountant or other tax professional to determine the true tax impact and ensure that assets are properly transferred into any trust.

(C) The disclosure required in this subsection shall be printed in not less than 10-point type.

(D) The provisions of this subsection shall not apply to an advertisement by any attorney, law firm, bank, savings institution, trust company, or registered securities broker/dealer which is directed to clients or customers of such person with whom such person has had a client or customer relationship within the prior two (2) years. The provisions of this subsection shall also not apply to any continuing education seminars or conferences conducted for the benefit of bankers, attorneys, accountants, or other professional financial advisors.

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Senator Ketron moved that the Senate nonconcur in House Amendment No. 3 to **Senate Bill No. 3029**, which motion prevailed by the following vote:

Ayes ..... 31  
Noes ..... 1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

Senator voting no was: Fowler--1.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 3349** -- Basic Education Program (BEP) -- Provides that 40 percent of growth funds under the BEP are to be distributed to eligible LEAs by January 1 with the remainder distributed by the subsequent June 30. Amends TCA Section 49-3-351.

**HOUSE AMENDMENT NO. 1**

AMEND by deleting in the amendatory language of Section 1 of the bill the language "forty percent (40%)" and by substituting instead the language "fifty percent (50%)".

AND FURTHER AMEND by deleting in the amendatory language of Section 1 of the bill the date "January 1" and by substituting instead the date "February 1".

Senator Bryson moved that the Senate nonconcur in House Amendment No. 1 to **Senate Bill No. 3349**, which motion prevailed by the following vote:

Ayes ..... 32  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

**RECALL OF BILL**

On motion of Senator Henry, **Senate Bill No. 3256** was recalled from the Committee on Calendar.

**REFERRAL**

Senator Henry moved that Senate Bill No. 3256 be referred to the Committee on Finance, Ways and Means, which motion prevailed.

**MOTION**

On motion of Senator Cooper, his name was added as sponsor of **Senate Bill No. 1600**.

On motion of Senator Miller, his name was added as sponsor of **Senate Bills Nos. 2994 and 3394; and House Joint Resolution No. 1040**.

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolution No. 1027**.

On motion of Senator Burks, her name was added as sponsor of **House Joint Resolutions Nos. 1041, 1042 and 1044; and Senate Bills Nos. 1751, 2876 and 3047**.

On motion of Senator Herron, his name was added as sponsor of **Senate Bills Nos. 2876 and 3408**.

On motion of Senator Southerland, his name was added as sponsor of **House Joint Resolution No. 909**.

On motion of Senator McNally, his name was added as sponsor of **House Joint Resolution No. 1040**.

On motion of Senator Kilby, his name was added as sponsor of **House Joint Resolution No. 1042; and Senate Bills Nos. 2161, 3047 and 3320**.

On motion of Senator Trail, his name was added as sponsor of **Senate Bills Nos. 3453 and 3459**.

On motion of Senator Dixon, his name was added as sponsor of **Senate Bills Nos. 2546, 2556, 3407 and 3459**.

On motion of Senator Dixon, his name was added as prime sponsor of **Senate Bills Nos. 8 and 10**.

On motion of Senator Cooper, his name was removed as sponsor of **Senate Bills Nos. 8 and 10**.

On motion of Senator Fowler, his name was added as sponsor of **Senate Bill No. 2371**.

On motion of Senator Graves, her name was added as sponsor of **Senate Bill No. 3320**.

On motion of Senator Kilby, his name was added as prime sponsor of **Senate Bill No. 3179**.

**ENGROSSED BILLS**

April 12, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2371, 2556, 3047, 3062, 3193, 3244, 3320 and 3459; and Senate Joint

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Resolutions Nos. 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908 and 909; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**  
April 12, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3488, passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**  
April 12, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3500, passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**  
April 12, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1642, 2263, 2428, 2435, 2601, 2719, 2739, 2823, 3288, 3394, 3480 and 3544; passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**  
April 12, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 837, 870, 957, 958, 998, 1031 and 1061; adopted, for the Senate's action.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**  
April 12, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2317, 2434, 2663, 2853, 2981, 2986, 3018, 3187, 3280, 3377, 3381, 3384, 3388, 3389 and 3452; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.



**MESSAGE FROM THE HOUSE**

April 12, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2095, 2694 and 3133; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 12, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 17, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 12, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 897, concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**ENROLLED BILLS**

April 12, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 771, 1742, 3214 and 3421; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

April 13, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bill No. 2275, and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

April 13, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 17, 2095, 2317, 2434, 2663, 2694, 2853, 2981, 2986, 3018, 3133,

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3187, 3280, 3377, 3381, 3384, 3388, 3389 and 3452; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

April 13, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 897, and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

April 12, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 3519, 3575, 3579 and 3580; for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 12, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1040, 1041, 1042 and 1044; for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**SIGNED**

April 12, 2004

The Speaker announced that he had signed the following: Senate Bills Nos. 771 and 1742.

**SIGNED**

April 12, 2004

The Speaker announced that he had signed the following: House Bills Nos. 3519, 3575, 3579 and 3580.

**SIGNED**

April 13, 2004

The Speaker announced that he had signed the following: Senate Bills Nos. 2275 and 3214.

**SIGNED**

April 13, 2004

The Speaker announced that he had signed the following: Senate Bill No. 3421.

**SIGNED**

April 13, 2004

The Speaker announced that he had signed the following: Senate Bills Nos. 17, 2095, 2317, 2434, 2663, 2694, 2853, 2981, 2986, 3018, 3133, 3187, 3280, 3377, 3381, 3384, 3388, 3389 and 3452.

**SIGNED**

April 13, 2004

The Speaker announced that he had signed the following: Senate Joint Resolution No. 897.

**SIGNED**

April 13, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 1040, 1041, 1042 and 1044.

**MESSAGE FROM THE HOUSE**

April 12, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 560, 2422, 2684 and 2737; signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 13, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2275, signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

April 12, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 560, 2422, 2684 and 2737; for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

April 13, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 2275, for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

April 12, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 112, 1998, 2183, 2244, 2286, 2341, 2598, 2601, 2712, 2746, 2845, 3167, 3175, 3186, 3218, 3223, 3354, 3361, 3376, 3378, 3396, 3401, 3411 and 3448; and Senate Joint Resolutions Nos. 64, 660, 722, 885, 888, 889, 890, 891, 893, 894 and 895; with his approval.

ROBERT E. COOPER, JR.,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

April 13, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 2259 and 2275, with his approval.

ROBERT E. COOPER, JR.,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 15, 2004: House Joint Resolutions Nos. 1046, 1048, 1049, 1051, 1052, 1053, 1054, 1056, 1057, 1058, 1059 and 1060; Senate Joint Resolutions Nos. 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 937 and 938; and Senate Resolutions Nos. 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191 and 192.

This the 13th day of April, 2004.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 15, 2004: Senate Bills Nos. 2137, 2208, 2263, 2342, 3156, 3294 and 3466; and Senate Joint Resolution No. 798.

This the 13th day of April, 2004.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
LOCAL BILL  
CONSENT CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Thursday, April 15, 2004: Senate Bills Nos. 3489, 3490 and 3498.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 15, 2004: Senate Bills Nos. 2072, 2455, 2674, 2984, 3136, 3137, 3243, 3418, 3426 and 3455; Senate Joint Resolution No. 746; House Bill No. 2901; and Senate Bills Nos. 2092, 2138, 2385, 2387, 2764 and 3332.

This the 13th day of April, 2004.  
CROWE, Chairperson.

**SENATE  
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Thursday, April 15, 2004: House Bill No. 189; and Senate Bills Nos. 2119, 2139, 2300 and 2673.

**ADJOURNMENT**

Senator Crutchfield moved the Senate adjourn until 9:00 a.m., Thursday, April 15, 2004, which motion prevailed.